

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 884

Introduced by Assembly Member Gordon
(Principal coauthor: Senator Wolk)

February 26, 2015

An act to amend Section 10248 of, and to repeal and add Section 9026.5 of, the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 884, as amended, Gordon. Legislature: legislative proceeding: audiovisual recordings.

Existing law prohibits a television signal generated by the Assembly from being used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors. Existing law provides that a person or organization who violates this prohibition is guilty of a misdemeanor.

Existing law requires the Legislative Counsel, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, to make certain information available to the public in electronic form,

including, among other things, the text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill. *Existing law provides that no actions taken pursuant to these requirements alter or relinquish any copyright or other proprietary interest or entitlement of the State of California in the information made available to the public.*

This bill would repeal the prohibition against using Assembly-generated television signals for political or commercial purposes. The bill would require the Legislature to cause audiovisual recordings to be made of all open and public proceedings of each house of the Legislature and the ~~standing~~ committees thereof, *as specified*. The bill would require those recordings to be posted on the Internet by the Legislative Counsel within one business day after the proceeding being recorded has been recessed or adjourned for the day. The bill would require a ~~posted~~ recording *posted on the Internet* to be retrievable in a perceivable format for the duration of the biennial session in which the recording is made and the ~~biennial session~~ *two biennial sessions* immediately following. The bill would require the Legislative Counsel to preserve and secure these recordings in an electronic form and store them in an archive *in a retrievable and perceivable format* for not less than 20 years. The bill would also authorize the televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the ~~standing~~ committees thereof to be used ~~for any lawful purpose and by the public~~ without the imposition of any fee due to the State or any public agency or public corporation thereof.

The bill would recast the provisions relating to state copyright and proprietary interests in information made publicly available by the Legislative Counsel and would instead provide that the information made available to the public, as specified, is within the public domain.

This bill would specify that it is contingent upon voter approval of a specified constitutional amendment at the November 8, 2016, statewide general election.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9026.5 of the Government Code is
2 repealed.

3 SEC. 2. Section 9026.5 is added to the Government Code, to
4 read:

5 9026.5. (a) (1) ~~Commencing on January 1 of the second~~
6 ~~calendar year after this section is operative, January 1, 2018, the~~
7 ~~Legislature shall cause audiovisual recordings to be made of all~~
8 ~~open and public proceedings of each house of the Legislature and~~
9 ~~the standing committees thereof. do all of the following with respect~~
10 ~~to its open and public proceedings:~~

11 (A) *Cause audiovisual recordings to be made of all floor*
12 *sessions of each house of the Legislature, the committee*
13 *proceedings thereof at which a vote is taken or other action is*
14 *recorded, and the committee proceedings thereof held in the State*
15 *Capitol Building regardless of whether a vote is taken or an action*
16 *is recorded.*

17 (B) *Make reasonable efforts to cause audiovisual recordings*
18 *to be made of all committee proceedings held outside of the State*
19 *Capitol Building at which no vote is taken and no action is*
20 *recorded.*

21 (C) *Make reasonable efforts to broadcast to the public, in real*
22 *time, all proceedings of the Legislature and the committees thereof*
23 *that are held in the State Capitol Building.*

24 (2) The Legislative Counsel shall post all recordings made
25 pursuant to subdivision (a) on the Internet within one business day
26 after the proceeding being recording has been recessed or adjourned
27 for the day. ~~Posted recordings~~ *Recordings posted on the Internet*
28 *shall be retrievable in a perceivable format for public use for the*
29 *duration of both the biennial session of the Legislature in which*
30 *the recording is made and the biennial session two biennial sessions*
31 *immediately following.*

32 (3) The Legislative Counsel shall preserve and secure all
33 recordings made pursuant to subdivision (a) in an electronic form
34 and store them in an archive *in a retrievable and perceivable*
35 *format* for not less than 20 years. Archived recordings shall be
36 reasonably available for use by the public ~~in the medium in which~~
37 ~~the recording was originally made.~~ *public.*

(b) Televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the standing committees thereof may be used ~~for any lawful purpose and by the public~~ without the imposition of any fee due to the state or any public agency or public corporation thereof.

SEC. 3. Section 10248 of the Government Code is amended to read:

10248. (a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All audiovisual recordings of legislative proceedings that ~~have been caused to be made by the Legislature~~ *are required to be posted* in accordance with paragraph (2) of subdivision (a) of Section 9026.5.

(7) All vote information concerning each bill in each current legislative session.

(8) Any veto message concerning a bill in each current legislative session.

(9) The California Codes.

(10) The California Constitution.

(11) All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible

1 access to the general public in this state. Any person who accesses
2 the information may access all or any part of the information. The
3 information may also be made available by any other means of
4 access that would facilitate public access to the information. The
5 information that is maintained in the legislative information system
6 that is operated and maintained by the Legislative Counsel shall
7 be made available in the shortest feasible time after the information
8 is available in the information system. The information that is not
9 maintained in the information system shall be made available in
10 the shortest feasible time after it is available to the Legislative
11 Counsel.

12 (c) Any documentation that describes the electronic digital
13 formats of the information identified in subdivision (a) and is
14 available to the public shall be made available by means of access
15 by way of the computer network specified in subdivision (b).

16 (d) Personal information concerning a person who accesses the
17 information may be maintained only for the purpose of providing
18 service to the person.

19 (e) No fee or other charge may be imposed by the Legislative
20 Counsel as a condition of accessing the information that is
21 accessible by way of the computer network specified in subdivision
22 (b).

23 (f) The electronic public access provided by way of the computer
24 network specified in subdivision (b) shall be in addition to other
25 electronic or print distribution of the information.

26 ~~(g) No action taken pursuant to this section shall be deemed to~~
27 ~~alter or relinquish any copyright or other proprietary interest or~~
28 ~~entitlement of the State of California relating to any of the~~
29 ~~information made available pursuant to this section.~~

30 *(g) The information made available to the public pursuant to*
31 *this section is within the public domain.*

32 SEC. 4. This act shall become operative only if Senate
33 Constitutional Amendment No. 14 of the 2015–16 Regular Session
34 is approved by the voters at the November 8, 2016, statewide
35 general election.

36 SEC. 5. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

- 1 Because of the importance of ensuring public access to all
- 2 legislative proceedings, it is necessary that this bill take effect
- 3 immediately.

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